

EPA Statement Regarding Portland Harbor Cleanup Background Dispute Resolution

The final ruling in the formal Dispute Resolution process between The Lower Willamette Group (LWG) and the U.S. Environmental Protection Agency (EPA) affirms EPA's determination that the LWG should use EPA's methodology for calculating background contaminant sediment concentrations in the Remedial Investigation (RI) phase of the Portland Harbor Superfund cleanup. The dispute centered on whether EPA followed its own guidance when making its decisions to compel LWG to use its contaminant identification and analysis process and whether the decisions were scientifically supported.

The decision by Rick Albright, director of EPA's Superfund cleanup office in Seattle, upheld EPA staff decisions regarding the method for determining background sediment concentrations for the contaminants of concern. He further found that these decisions were supported and the approach EPA used to identify and address sampling variables is consistent with its guidance.

Today's decision also lays out specific action steps for the LWG regarding the Remedial Investigation over the next 30 days:

1. Incorporate the changes EPA made to Section 7 of the draft RI into the final draft RI report;
2. Complete background threshold values for the other 23 contaminants by use of the methodology EPA employed to determine background sediment concentrations for the contaminants of concern; and
3. Submit background calculations for the other 23 contaminants to EPA within 30 days of the date of this decision.

Mr. Albright's decision concludes the Dispute Resolution process, as outlined in the standing Administrative Order on Consent and invoked by the LWG, regarding the methodology for calculating background sediment concentrations incorporated in the Portland Harbor Remedial Investigation.

#